

MEMO ENDORSED

JOEL BERGER
ATTORNEY AT LAW

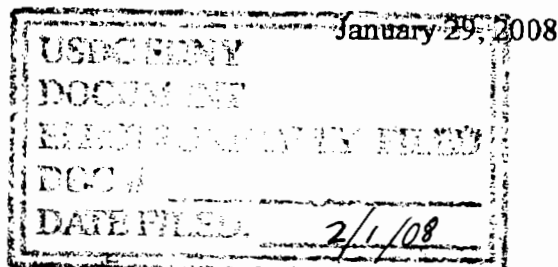
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JAN 29 2008

VIA FAX (212) 805-6712

Hon. Kevin N. Fox
United States Magistrate Judge
500 Pearl Street
New York, NY 10007-1312



Re: *Caballero v. The City of New York, et al.*, 07 Civ. 6357 (RMB) (KNF)

Dear Judge Fox:

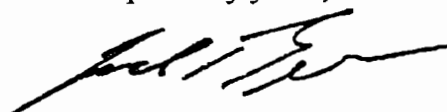
At the parties' last telephone conference with the Court on December 4, 2007, Your Honor encouraged us to be in touch as soon as there was any possibility that a settlement conference might be productive. This morning defense counsel advised me that he has just received settlement authority from the Comptroller's office and that such a conference may be productive. We advised your law clerk of this by telephone this morning, and at his request I am writing to request such a conference.

The best dates and times available in the near future for counsel are: this Thursday, January 31; the afternoon of Monday, February 4; Wednesday, February 6; the afternoon of Thursday, February 7 (2 PM or later); and Friday, February 8.

At the initial case management conference before Judge Berman on October 9, 2007, the Court scheduled a settlement conference for Wednesday, February 13. We respectfully suggest that a settlement conference before Your Honor take place prior to that date, in the hope that the conference scheduled to take place before Judge Berman may not be necessary or can at least be adjourned.

2/1/08
A settlement conference shall
be held in accordance with the Court's
procedures for such a conference, which the
parties must access via the court's website,
on February 11, 2008, at 2:30 p.m.
SO ORDERED:
Clavin Nathaniel Fox, U.S.M.J.

Respectfully yours,



Joel Berger (JB-3269)
Attorney for Plaintiff

cc: Jordan M. Smith, Esq.
Assistant Corporation Counsel
Attorney for Defendants
(via fax 212-788-9776)